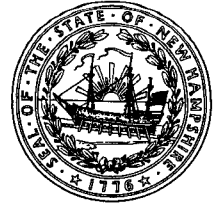




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



Mark E. & Andrea P. Baer
139 Russell Rd
Framingham, MA 01702

LETTER OF DEFICIENCY

#SP-2004-14

October 11, 2004

RE: DES Wetlands File #2004-02259 367 West Main St, Conway

Dear Mr. & Mrs. Baer:

On October 1, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Conway Tax Map 277, Lot 210, West Main Street, Conway, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act ("CSPA"), and RSA 482-A, the New Hampshire Wetlands Law, as well as the rules promulgated by these statutes. During the inspection the following deficiencies were noted:

1. Within the natural woodland buffer of the protected shoreland, a well-distributed stand of trees, saplings, shrubs and groundcovers had not been left in place.
2. At least three stumps and their root systems were removed within 50 feet of the Pequawket Pond reference line during the time between the inspection by Town of Conway officials, and the subsequent inspection by DES personnel.
3. Soils had been disturbed up to, and beyond, the reference line of Pequawket Pond, without erosion and siltation controls in place to protect water quality.
4. The impacts documented within the bank and in the lakebed of Pequawket Pond without a permit from the NHDES Wetlands Bureau is a violation of RSA 482-A and Code of Administrative Rules Wt 100-800.

In response, you are requested to take the following actions:

1. Immediately install erosion control measures (silt fence) just above the reference line of Pequawket Pond.
2. Within 7 days of receipt of this Letter of Deficiency, mulch all areas where soils are disturbed with hay.
3. Within 14 days of receipt of this Letter of Deficiency, submit photographs to DES showing that the actions requested in #1 and #2 above have been completed.

4. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES. The restoration plan should include replacement of native and natural vegetation and restoration of the natural shoreline of Pequawket Pond. Please submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing;
 - i. existing conditions,
 - ii. proposed conditions after restoration with native vegetation.
- b. A detailed description of the proposed means of erosion and sediment controls and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A plantings plan showing the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species. Saplings should be proposed in areas where trees were removed.
- d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.

5. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.


DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley or myself at (603) 271-2147.

Sincerely,

 **COPY**
Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL # 7099 3400 0003 0688 9262

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Conway Conservation Commission
Conway Board of Selectmen
US Army Corps of Engineers